

REMARKS

Reconsideration of the pending Office Action is respectfully requested in view of the amendments and remarks herein. A Request for Continued Examination is filed to have the Amendment and Reply herein entered and considered, the June 29, 2004 filing of which was not previously not entered by the Examiner.

Applicant wishes to thank Examiner Au and SPE Horabik for their courtesy and professionalism extended to Applicant during the telephonic interview and advisory action.

Rejections under Sec. 112

The Examiner rejected claims 8-9, 14-15 under Sec. 112, first paragraph. In response to the Examiner's comment, Applicant has amended claims 8 and 9, for clarification and would like to explain to the Examiner as follows.

First, the Examiner queried how a memory can be operationally independent of the operation of an electronic appliance, when it is necessarily associated with the set of numeric keys. Applicant believes the Examiner is mistaken in presuming that the memory must be used to control an electronic appliance, simply because the memory also stores the key entries. For clarification, Applicant points out that just because the memory stores the numeric keys entered by the user does not necessarily mean that the memory must be used to control the electronic appliance exclusively. As claimed, the "control circuitry" is the unit that controls the electronic appliance, whereas the scratch pad memory can selectably store the key entries by the user, without affecting the operation of the electronic appliance.

Such operational independence is not "new matter" and is fully described in the Specification, expressly and inherently. As described, on page 8, lines 21-29 of the Specification, the "scratch pad memory" stores numbers entered by the user punching the keys. Upon the user's command, such numerical entry is stored for display on the LCD of the URC. Obviously, as can be understood by anyone with some basic engineering knowledge and training, storing key entries in this situation does not, nor should it, affect the electronic appliance. The TV viewer has no reason to change the TV programming when the TV viewer only wishes to record the telephone number by using the numerical

keys. The independence, which is selectably activated by the user, between the operation of the memory and the TV is thus quite intuitive, again, to anyone with some basic engineering knowledge and training. Therefore, as disclosed in the Specification, the operation of the scratch pad memory, which can store the numerical entries without affecting the operation of the electronic appliance, e.g. the TV, is selectably operationally independent of the operation of the TV. When a user intends to store a telephone number by storing it to the scratch pad memory, the user obviously does not intend for the TV's operation to be affected. The "new matter" rejection is therefore improper.

Applicant has amended claims 8 and 9 to clarify that the "memory" is the "scratch pad memory" described in the Specification, thus further obviating the "new matter" rejection.

In light of the above, Applicant respectfully requests that the Examiner re-consider the Sec. 112 rejection of Claim 8-9, 14-15, since the amendment does not add new matter.

Rejection under Sec. 103

Claims 1-5, 11-13 and 16-17 are rejected under 35 USC Sec. 103(a) as being unpatentable over Cullimore in view of Crowell. Applicant respectfully traverses the Examiner's rejection.

Cullimore discloses a remote control and signaling system, where a basic remote control is added with a transmitter and the apparatus controller is added with a receiver to eliminate the need to have a line of sight relationship between the remote control and apparatus controller. Cullimore does not disclose a Universal Remote Control, which is an "all-in-one" controller within a common housing. Cullimore's housing (Fig. 5, 94, 96) as cited by the Examiner is merely a mounting assembly for multiple distinct remote control systems (Fig. 5, 98, 100, 102). Cullimore does not disclose a single, integrated, universal remote controller. According to Cullimore's disclosure and teaching, additional devices would added on externally, e.g. the transmitter 12 or the mounting assembly 90, instead of integrating them internally. Also, Cullimore's disclosure and teaching is limited to providing better controller function for controlling and signaling remote devices.

Crowell discloses a message delivery system that can be used independent or in association with other products. Crowell's system is a self-contained unit that includes its own power means (26) as well as other circuits. Crowell does not disclose being electronically integrated into another electronic system within the same housing, nor sharing the power supply with the electronic system into which it is integrated.

Also, there is no reasonable motivation or suggestion in Cullimore to modify or combine its remote control with Crowell's message delivery system. Cullimore's system is directed to addressing the problem of not limiting its operation of the appliance to a line of sight situation, by building a signaling system, e.g. using external connection and devices. It is directed to controlling and signaling for remote devices. It does not disclose any reasonable motivation or need to provide a recorder function for its users, much less one that is integrated with its controller. The Examiner's reliance on Cullimore is thus in error because of its lack of reasonable motivation and teaching.

Similarly, Crowell's system tries to provide a message delivery system which works independently or in association with other products. However, Crowell does not provide any reasonable suggestion or motivation to integrate, electronically, the recorder into an electronic device while sharing a power supply. The Examiner's reliance on Crowell is thus also in error, because of its lack of motivation and teaching.

Even if Cullimore is combined with Crowell, the combined product still does not teach all the claim limitations, as required for a *prima facie* case of obviousness. According to Cullimore's disclosure and teaching, the recorder would be added to the controller externally. This is not the same integration as the claimed invention. Since Crowell is not electronically integrated into the Cullimore, it would still require a separate battery.

By combining Cullimore with Crowell, the Examiner is again using "hindsight reconstruction," which is not permissible under prevailing laws. There is no reasonable motivation to combine Cullimore with Crowell, since they are both addressing totally different problems and needs. There is no reasonable nexus between the two references, other than one that is impermissibly proffered by the Examiner. Therefore, the Examiner's

rejection based on Cullimore, in view of Crowell, should be withdrawn and allowance is respectfully requested.

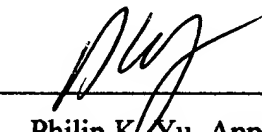
Applicant has amended claim 1 to clarify that the power supply provides power to both the control circuitry and the digital voice recorder.

With respect to claims 2 and 11, which are dependent claims of claim 1, Applicant respectfully directs the Examiner to the discussion above.

CONCLUSION

In light of the amendments to the claims and discussion in connection therewith, Applicant respectfully requests that the rejections of the claims be withdrawn and allowance granted. The Examiner is encouraged to contact the undersigned to discuss any matter regarding the subject application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the US Postal Service with sufficient postage as First Class mail in an envelop addressed to: MS RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this date:

8-3, 2004

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